IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 811 OF 2005
IN
CRIMINAL APPEAL NO. 831 OF 2004

The State of Maharashtra	.....	Applicant.
V/s		
Raosaheb Dhanappa Naik & Anr...	... .	Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	))))	Court's or Judge's Orders

Smt.P.H.Kantharia, APP for the applicant.

Mr.K.S.Patil, Adv. For the respondents.

CORAM:V.G. PALSHIKAR, Ag. C.J.
AND
SMT.NISHITA MHATRE, J.

27.9.2006.

PC:

This application is directed against the order of acquittal recorded by the learned trial Judge. The learned Judge has on proper appreciation of evidence rejected ocular testimony of eye witnesses even though they were inured witnesses. The reasoning given by the learned Judge cannot be called perverse or

absurd. Several reasons are stated for disbelieving the evidence and rejecting the story of the prosecution in toto.

2. Even if on reappreciation of evidence different view is possible, the established position in law is interference in such circumstances should be avoided unless it is necessary because of the absurdity or perversity of the impugned order. Such being not the case the application for leave is rejected.

27.9.06